DOCUMENT RESUME

ED 335 166 RC 016 844

AUTHOR Baeza, Jo
TITLE Water Rights: Veeder Says Students Must Fight For Future.
PUB DATE 29 Jul 88
NOTE 3p.
PUB TYPE Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Journal Articles (080)
JOURNAL CIT Fort Apache Scout; v27 n5 p1,6 Jul 29 1988

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS American Indian History; *American Indian Reservations; American Indian Studies; *Federal Indian Relationship; Postsecondary Education; *Tribal Sovereignty; Trust Responsibility (Government)
IDENTIFIERS Arizona (Whiteriver); Department of the Interior; *Water Rights; *White Mountain Apache (Tribe)

ABSTRACT

This newspaper article describes an educational event held by Apache leaders in Arizona to help college students learn more about tribal water issues. The students were addressed by William Veeder, a veteran attorney defending Apache rights to the headwaters of the Salt River in state and federal courts. The article describes the lawyer's address, which dealt with the value of the White Mountain Apache reservation and federal opposition to the tribe's control over the land and water. Veeder discussed the history of the reservation and the 1903 approval for the Salt River Reclamation Project by the U.S. Department of the Interior. The development project was undertaken with the idea that the Apache did not have rights to the reservation water, according to Veeder, who dubbed the project "a well-laid plan to put you out of existence." The federal Bureau of Reclamation built dams to control water flow on the reservation. Federal courts have ruled that the decision on water rights belongs in state court but Veeder points out that U.S. attorneys who represent the Department of the Interior would also have the responsibility of defending Apache claims on the state level, an apparent conflict of interest. Veeder is quoted as speaking out generally against the federal government's power over Indian affairs. The article also describes the circumstances surrounding Veeder's personal decision to defend Indian rights. The 80-year-old attorney had worked for the U.S. Justice Department for 20 years before deciding to "pull out." (TES)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Joan H. Baeza
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☑ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Fort Apache Scout
Official Newspaper, White Mountain Apache Tribe
Fort Apache Indian Reservation
Whiteriver, Arizona
Volume 27 Number 05
July 29, 1988

ED335166

"Water Rights ... Veeder Says Students Must Fight for Future"
by Jo Baeza
(Whiteriver)

In a history-making move, Chairman Reno Johnson invited students to learn more about tribal water issues first hand.

Tribal water rights attorney William Veeder flew to Whiteriver Friday at the chairman's request to speak to college students about the most important issue facing the White Mountain Apache Tribe.

Veeder told the young people, "You are fighting for your lives against the white power structure. If I did not think you could win, I would not be here."

He told them they were the richest people on earth because they hold prior and paramount rights to the headwaters of the Salt River, rights which are being threatened in state and federal courts.

"The most valuable piece of land on the continent, perhaps in the world, is your reservation. Each of you is immensely wealthy in your rights. There is nothing on earth more valuable than the Salt River," he said.

Phoenix developers have become enormously wealthy from water arising on the White Mountain Apache Reservation, Veeder said.

About 1890, farmers in the Salt River Valley started running out of natural flow water, Veeder said. In 1897, the Secretary of the Interior created the White Mountain Apache Reservation solely for the purpose of ensuring an adequate water supply for the future of the Valley.

The reservation, he said, follows the boundaries exactly of the hydrographic unit which contains the water that flows into the Salt River.

"In 1903, the Secretary of the Interior started approval of the Salt River Reclamation Project, and in doing so committed every drop of water on this reservation to the white man's project," he said.

"Development in the Salt River Valley has all been predicated on the fact that you do not have the rights to your own water. This was a well-laid plan to put you out of existence."

Veeder said the White Mountain Apache Tribe is unique in that it is the only North American tribe which has been on the same land since time immemorial. According to the law of the land, the tribe is entitled to its water for anything they want to use it for.

But, the federal government, through the Bureau of Reclamation has built dams downstream to impound the waters from the reservation.

The Salt River water users have systematically tried to block every impoundment of water on the reservation, and have tried to increase the runoff to the Salt River by deliberately overcutting forests and overgrazing the range, he said.

"Under the white man's law, you are entitled to your land and your water in perpetuity. You are a separate and sovereign nation under the law, and are entitled to run your own affairs," he said.

Veeder told the students they have been living in "a police state" where decisions have been made for them by the Bureau of Indian Affairs,

RC 016844

influenced by powerful interest groups who can lobby Congress.

Any development requiring water on the reservation has been suppressed, including the recent attempts to build Miner Flat Dam for the agricultural project in Canyon Day, he told them. On the other hand, timber cutting and grazing have been encouraged because they cause more water to flow downstream.

"There is no alternative except to fight. You are being planned out of existence."

Veeder said, "You guys are pushing it farther than anyone ever pushed it before (in the courts). You are testing the integrity of the courts and legislators."

Going on 80, Veeder worked for the U.S. Department of Justice for 20 years. He said, "I was standing on the Yakima Indian Reservation one day helping the Secretary of the Interior steal the Yakima River, when I said to myself, 'You've got to make a decision.' I pulled out."

Since then, he has been working with various tribes on water rights issues, a career which has not endeared him to the federal government, state governments and large interest groups.

"The law says you have prior and paramount rights to your water for all of your needs. But in court, there are ways and means to diminish your rights, " he said.

In the 1950s much historical information was compiled and the tribe filed a meticulous complaint to the Secretary of the Interior. "The Department of the Interior's lawyers never answered," he said.

The federal courts have said that water rights issues must be settled in state courts. But, the person who files claims for the tribe in state courts is a Justice Department attorney. Attorneys from the Justice Department represent both the Bureau of Reclamation and Bureau of Indian Affairs which have conflicting interests in water rights cases.

The tribe is claiming a conflict of interests should prevent Department of the Interior attorneys from representing the tribe on water rights issues in state courts.

Justice Department attorneys Pat Barris and Bill Swann have been appointed to represent the tribe's claims in Maricopa County Court. "There's no way you can survive in state courts," Veeder said.

Veeder encouraged the students to seek all the information they can on tribal water rights issues. "I pray you'll take time to talk to the tribal council, tribal attorneys, and find out all you can about these issues," he said.

He closed with a challenge, asking students to invite Department of the Interior attorneys Swann and Barris to debate him on water issues over the Christmas holidays in Whiteriver.

"If you do not follow up what I am saying, you're going to lose the most magnificent piece of property on the North American continent." Veeder said.